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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000831

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KDEM](#) [KJUS](#) [AM](#)
SUBJECT: JUSTICE MINISTER ACKNOWLEDGES CONCERNS ON NGO LAW,
DETAINEES, ELECTIONS

YEREVAN 00000831 001.2 OF 002

Classified By: Ambassador Marie Yovanovitch, reasons 1.4 (b,d).

SUMMARY

11. (C) On November 23 the Ambassador met with Armenia's Justice Minister Gevorg Danielian to discuss U.S. concerns on the draft NGO law and renew U.S. calls for the release of the remaining political detainees. Danielian told the Ambassador that the GOAM is addressing Washington's concerns on the draft law and that there should not be "any problems." He agreed that the cases against the political detainees had been weak, but that "some" were strong enough to convict. He said that pardon decrees are one avenue by which some of the detainees could be released. He singled out police incompetence as one of the major problems to surface during the unrest that followed the disputed 2008 presidential election. Danielian said his ministry would heartily welcome an FBI presence in Armenia, and that it would strengthen Armenian law enforcement. END SUMMARY.

NGO LAW: "WE ARE ADDRESSING" YOUR CONCERNS

12. (C) At a lunch hosted by the Ambassador on November 23, Justice Minister Gevorg Danielian acknowledged concerns raised by the U.S. with respect to draft amendments to the NGO Law, and said "we are addressing them." The Ambassador thanked the minister for taking our concerns under consideration, noting that NGOs form one of the cornerstones of a democracy and as such should be protected. Not only had the legislative process been flawed in not allowing NGOs an opportunity to comment, but the draft amendments the Ministry of Justice was proposing risked erecting administrative obstacles for NGOs.

13. (C) Minister Danielian said "we will make changes" to the draft amendments "so that there will be no concerns." He added that a new round of public hearings would be launched in early December by the National Assembly, and that he had requested Speaker Abrahamian to defer any hearings until then. (Note: Abrahamian apparently did not agree, as a hearing was held in the National Assembly on November 26. Rafik Petrosian, chair of the Human Rights committee in Parliament, joined over 100 NGOs and unions that were mobilized by Counterpart, a USAID civil society strengthening implementer, in criticizing the draft legislation and the process thus far. Further hearings will likely follow.) The minister told the Ambassador that he had requested OSCE/ODIHR to submit the draft amendments to the Venice Commission for review.

"CASES WERE WEAK" AGAINST POLITICAL DETAINEES ...

¶4. (C) When the Ambassador renewed U.S. calls for the release of the remaining 15 political detainees jailed and convicted in relation to the disputed 2008 presidential election, Minister Danielian said "I agree that the cases were weak." The Ambassador urged the minister and the GOAM to show flexibility to find ways to release the detainees, noting that the benefits of their release now far outweighed any costs -- with Armenia's international reputation sure to improve in addition to a lowering of domestic political tension. Danielian acknowledged that while the authorities ultimately could not prove who was responsible for the ten deaths on March 1, and that the arrests and convictions of only opposition members had created the impression of a one-sided process, there were some cases where evidence was strong enough to convict. He noted the ongoing trial of the opposition newspaper editor Nikol Pashinian, and said there was ample video footage to prove that he attempted to instigate mass disorders. Interestingly, however, Danielian admitted that the prosecution was having trouble presenting credible witnesses for its case, attributing this to people's fear of retribution should they take the stand.

... BUT PARDON DECREES ARE STILL AN OPTION

¶5. (C) The Justice Minister said that while no cases have come to him yet, pardon decrees remain one way by which the detainees could be released. Saying it was out of the question that any could be amnestied, he said that President Sargsian can unilaterally pardon convicts, should he be disposed to after reviewing recommendations for their

YEREVAN 00000831 002.2 OF 002

release. The recommendation process includes a prison recommendation for early release that must then be reviewed and approved by a review board consisting of the Prosecutor General, Police Chief, and (unspecified) members of the public. Danielian quipped that "even the President did not know about this option" until I informed him about it. The Ambassador said that such an option gave the U.S. hope that it could be used for the release of remaining detainees. Danielian said that while some of the detainees could qualify for such a release, some may not; he mentioned the case of the jailed ex-MP Sasun Mikaelian, indicating that an early release was out of the question given the large quantity of weapons that the authorities found at a restaurant Mikaelian owned. (Note: Subsequently, we have discovered that Mikaelian's health is seriously deteriorating, and the Ambassador sent a letter to Danielian asking that the GOAM consider Mikaelian's release on humanitarian grounds. End Note.)

POLICE LACK PROFESSIONALISM -- HAVE TO FIX THIS

¶6. (C) Danielian lamented that police incompetence played a large role in the March 2008 events, and that the police's lack of professionalism needed to be fixed. Danielian grouched that police commanders on March 1 did not even record to whom they issued firearms on that day. He also grumbled that many police lacked sufficient experience in shooting firearms and thus should not be issued them at all. He acknowledged that police mentalities needed changing, and that this would take a lot of time. The Ambassador called the Minister's attention to the current technical assistance the U.S. is providing to the police to improve crowd control skills, and agreed with the Minister that better, more modern policing would go a long way to improve citizens' current jaded views of police.

ARMENIA WOULD WELCOME FBI PRESENCE

¶7. (C) The Ambassador shared with the Minister her recent talks with the FBI in Washington, and that the FBI would be spending more time in Armenia. Minister Danielian was very enthusiastic about such a possibility, noting that his prior interaction with FBI colleagues proved useful and effective.
YOVANOVITCH